

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE  
(REV. 12-2004)

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

UCIVN-024US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

TBD **10/530602**INTERNATIONAL APPLICATION NO.  
PCT/US2003/033072INTERNATIONAL FILING DATE  
14 October 2003PRIORITY DATE CLAIMED  
11 October 2002

## TITLE OF INVENTION

BYMIXER APPARATUS AND METHOD FOR FAST-RESPONSE, ADJUSTABLE MEASUREMENT OF MIXED GAS FRACTIONS IN VENTILATION CIRCUITS

## APPLICANT(S) FOR DO/EO/US

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

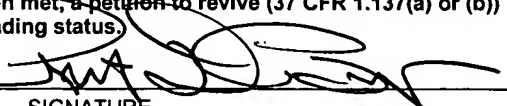
1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

## Items 13 to 23 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV330332866US
23. ☒ Other items or information:

Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/530602</b>		INTERNATIONAL APPLICATION NO. <b>PCT/US2003/033072</b>		ATTORNEY'S DOCKET NUMBER <b>UCIVN-024US</b>	
24. The following fees are submitted:				Applicant use	Office use
<input checked="" type="checkbox"/> a) Basic national fee ..... \$300.00				\$ 300.00	
<input type="checkbox"/> b) Examination fee ..... \$200.00				\$ 0.00	
<input type="checkbox"/> c) Search fee ..... \$500.00				\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b> \$1000.00				\$ 300.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE		
37 - 100 =	-63 /50 =	0	x \$250.00	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	35 - 20 =	15	x \$50.00	\$ 750.00	
Independent claims	3 - 3 =	0	x \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIMS (if applicable) <input type="checkbox"/> + \$360.00				\$ 0.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,050.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ 525.00	
<b>SUBTOTAL =</b>				\$ 525.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
<b>TOTAL NATIONAL FEE =</b>				\$ 525.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +				\$ 0.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 525.00	
Amount to be refunded:				\$	
Amount to be charged:				\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>525.00</b> to cover the above fees is enclosed.					
b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is _____					
c. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>50-0878</b> . A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Robert D. Buyan Stout, Uxa, Buyan & Mullins, LLP 4 Venture, Suite 300 Irvine, CA 92618					
Customer No. 33197					
				SIGNATURE  Robert D. Buyan NAME <b>32, 460</b> REGISTRATION NUMBER	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
Peter H. Breen	)	Art Unit: To Be Determined
	)	
Serial No.: To Be Determined	)	Examiner: To Be Determined
	)	
Corresponding to:	)	
PCT/US2003/033072	)	
	)	
Filed: April 7, 2005, Herewith	)	
	)	
For: Bymixer Apparatus And Method	)	
For Fast-Response, Adjustable	)	
Measurement Of Mixed Gas	)	
<u>Fractions In Ventilation Circuits</u>	)	

**CERTIFICATE OF MAILING**

**(United States National Stage Application Based on PCT/US2003/033072)**

Express Mail Label No: EV330332866US

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

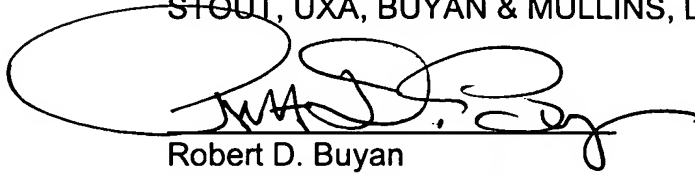
I hereby certify that the following documents as identified below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on April 7, 2005, addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371;
2. Copy of International Application as Filed/Published under the PCT, (27 pages of written specification, 9 pages of claims, 7 sheets of drawings (Figs. 1-5B) and an abstract of 1 page);
3. Check No. 3736 in the amount of \$525.00 to cover national stage filing fees;
4. A return postcard.

Each of the 4 above-identified documents are enclosed herewith.

Respectfully submitted,

STOUT, UXA, BUYAN & MULLINS, LLP

A handwritten signature in black ink, appearing to read "R. D. Buyan", is written over a horizontal line. The signature is stylized with loops and a long trailing flourish.

Robert D. Buyan  
Registration No. 32, 460

Date: April 7, 2005

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Fax: (949) 450-1764